



BB 10-16-09

MEMORANDUM

To: Dr. J. Brian Sarvis, Superintendent
From: David Hetyonk, Director of Facilities and Operations
Subject: Information on proposed changes to AR 1330
Date: October 14, 2009

Background:

The latest additions to Administrative Regulation 1330 were made on April 28, 2009. This revision redefined the areas of Free Use, added timelines for processing the application and allowed for shared cost of shared pool use.

Issue:

Further revisions are being proposed, particularly in response to concerns about not having a category for non profits serving non school age children and business office staff wishes to eliminate the burden of collecting fees and adjusting costs after use. The following changes are proposed:

- *Collection of all fees in advance.* This will require the sites to identify in advance the number of hours that will be required for site staff overtime such as custodial and theater manager.
- *Establishing a no refund policy.* Numerous requests are received for refunds for non used rental time. In addition to considerable staff time, the site is usually not able to confirm that certain rooms or hours of use were not used by the renter.
- *Creation of a fee schedule for non profit activities for non students.* The proposal is 1.5 times the direct fee rate
- *The payroll department has determined that the custodial rate no longer covers the cost of custodial overtime.* The proposal raises the custodial rate from \$25/hr to \$30/hr.
- *Review the fair market rate for swimming pool use.* In looking at rates for other districts, the range is from \$100 per hour to \$600 per hour for pools ranging in length from 25 meters to 50 meters. With the creation of the new non profit rate for non students, it is recommended that these rates remain unchanged.
- *Clarify shared use charges for pool use.* The fee schedule limits the shared users to two groups, one of which may be the district.

Changes to the attached AR are underlined and a copy of the revised application reflecting these changes is also attached. Please advise of any comments or other changes that you may wish to make.

Adams Elementary School Cesar Chavez Charter School Cleveland Elementary School Franklin Elementary School Harding Elementary School	McKinley Elementary School Monroe Elementary School Open Alternative School Peabody Charter School	Roosevelt Elementary School Santa Barbara Charter School Santa Barbara Community Academy Washington Elementary School	Goleta Valley Junior High School La Colina Junior High School La Cumbre Junior High School Santa Barbara Junior High School	Dos Pueblos High School La Cuesta Continuation High School San Marcos High School Santa Barbara High School Home School Santa Barbara
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Santa Barbara School Districts

Administrative Regulation

Community Relations

AR 1330

USE OF SCHOOL FACILITIES

Application for Use of Facilities

Any persons applying for the use of any school facility or grounds on behalf of any society, group, or organization shall present written authorization from the group or organization to make the application.

Persons or organizations applying for the use of school facilities or grounds shall submit a statement of information indicating that the organization upholds the state and federal constitutions and does not intend to use school premises to commit unlawful acts.

Civic Center Use

Subject to district policies and regulations, school facilities and grounds shall be available to citizens and community groups as a civic center for the following purposes: (Education Code 32282, 38131)

1. Public, literary, scientific, recreational, educational, or public agency meetings
2. The discussion of matters of general or public interest
3. The conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization
4. Child care programs to provide supervision and activities for children of preschool and elementary school age

(cf. 5148 - Child Care and Development)

(cf. 5148.2 - Before/After School Programs)

(cf. 6300 - Preschool/Early Childhood Education)

5. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
6. Supervised recreational activities including, but not limited to, sports league activities that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious belief or denomination
7. A community youth center

(cf. 1020 - Youth Services)

8. Mass care and welfare shelters during disasters or other emergencies affecting the public health and welfare.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 3516 - Emergencies and Disaster Preparedness Plan)

9. A ceremony, patriotic celebration, or related educational assembly conducted by a veterans' organization.

A veterans' organization means the American Legion, Veterans of Foreign Wars, Disabled American Veterans, United Spanish War Veterans, Grand Army of the Republic, or other duly recognized organization of honorably discharged soldiers, sailors, or marines of the United States, or any of their territories. (Military and Veterans Code 1800)

10. Other purposes deemed appropriate by the Board of Education.

The district may grant the use of school facilities on those days on which the public school is closed.
(Education Code 37220)

(cf. 6115 - Ceremonies and Observances)

Restrictions

School facilities or grounds shall not be used for any of the following activities:

1. Any use by an individual or group for the commission of any crime or any act prohibited by law.
2. Any use which is inconsistent with the use of the school facility for school purposes or which interferes with the regular conduct of school or school work/
3. Any use which involves the possession, consumption, or sale of alcoholic beverages or any restricted substances, including tobacco use.

(cf. 3513.3 Tobacco-Free Schools)

4. Any use which is discriminatory in the legal sense. No permit shall be granted to any individuals for any purpose which would discriminate against persons because of their race, color, or creed.

(cf. 0410 – Non discrimination in district programs and activities)

The district may exclude certain school facilities from non-school use for safety or security reasons.

Damage and Liability

Groups using school facilities pursuant to Education Code 38134 shall sign an agreement acknowledging the risk allocation provisions of Education Code 38134, which states, in pertinent part:

"Any school district authorizing the use of school facilities or grounds under subdivision (a) shall be liable for any injuries resulting from the negligence of the district in the ownership and maintenance of those facilities or grounds. Any group using facilities or grounds under subdivision (a) shall be liable for any injuries resulting from the negligence of that group during the use of those facilities or grounds. The district and groups shall each bear the cost of insuring against its respective risks and shall each bear the costs of defending itself against claims arising from those risks."

Groups, organizations, or persons using school facilities or grounds shall be liable for any property damages caused by the activity. The Board may charge the amount necessary to repair the damages and may deny the group further use of school facilities or grounds.

Groups or organizations shall provide the district with evidence of insurance against claims arising out of the group's own negligence. Groups or organizations shall also be required to include the district as an additional insured on their liability policies for claims arising out of the negligence of the group.

As permitted, the Superintendent or designee may require a hold harmless agreement and indemnification when warranted by the type of activity or the specific facility being used.

Timelines

The completed Application and Permit for Civic Center Use of Site Property and appropriate proof of insurance should be submitted to the Civic Center Office at least 15 working days prior to the requested use date.

Upon receipt of a completed application, the Civic Center Office will immediately forward the application to the site for confirmation of space availability and identification of required staff hours for the event.

Site administrators shall return the original copy of the Application and Permit for Civic Center Use of Site Property to the Civic Center Office within three working days to confirm the availability of space and the identification of required staff hours for the event.

Upon receipt of the Civic Center permit from the site indicating space availability and required hours, the Civic Center Office shall assign fees and contact the applicant for payment. Upon receipt of payment for all fees an approval letter will be furnished or mailed to the applicant within three working days. Upon receipt of the Civic Center Permit from the site indicating space or staff non-availability, the Civic Center Office shall mail a letter to the applicant within two working days.

Schedule of Fees for Use of School Property

Under the Civic Center Act, fees shall be charged in accordance with the Board adopted Civic Center Rate Schedule. The Civic Center Rate Schedule is based on the following categories of activities:

Free Use (excluding application fee; including applicable custodial fees)

- Meetings of Santa Barbara School Districts' employee organizations whose membership is composed solely of district employees.
- Agencies covered in a joint use agreement or memorandum of understanding.
- Governmental agency requests for special public meetings and polling.
- PTA/PTO and Board approved fundraisers.
- PTA/PTO-sponsored activities for youth.
- Meetings of Santa Barbara School Districts parent-teachers' associations, school-community advisory councils, and foundations.
- Santa Barbara School Districts alumni association meetings.
- Training and testing for law enforcement agency personnel when the agency provides school resource officers.
- Except for uses governed by Education Code 38134, Subdivision (d) and (e) for which mandatory fees are specified, any other special usage judged by the Superintendent to advance the educational goals and/or programs of the district for which fees would not be appropriate.

Direct Cost Use

- Nonprofit organizations, clubs or associations organized to promote activities for school aged children when the activity involves student participation.
- Public, literary, scientific, recreational, educational, or public agency meetings
- The discussion of matters of general or public interest
- Child care or day care programs to provide supervision and activities for children of preschool and elementary school age
- The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies
- A community youth center
- Supervised recreational activities including, but not limited to, sports league activities for youths that are arranged for and supervised by entities, including religious organizations or churches, and in which youths may participate regardless of religious beliefs or denomination
- Conduct of religious services for temporary periods, on a one-time or renewable basis, by any church or religious organization that has no suitable meeting place for the conduct of the services
- Nonprofit organizations, clubs or associations organized to promote activities for school aged children and/or adults will be charged 1.5 times the Direct Fee rate (rounded) when the activity involves non school aged children..

Fair Market Value Use

- Use other than the categories described above for free and direct cost use.
- Entertainment or meetings where admission fees are charged or contributions are solicited and the net receipts are not expended for the welfare of the students of the district.

Schedule of Fees for Use of School Property

- A \$29 application fee is required of all permits applications. (Refundable if not approved).
- As a condition of auditorium use for rehearsal and/or a performance which requires the use of stage lighting and sound systems, the applicant must satisfy the site administration that the group has staff or has hired a person or persons with sufficient demonstrated knowledge and expertise to operate the sound and light equipment. At certain sites, as a condition of approval, a site theater manager for specialty services assistance may be required.
- Specialty Services Assistance (kitchen, etc.) is \$36 per hour in addition to fees noted below.
- Applicable custodial fees are \$30 per hour in addition to fees noted below.
- All fees are per hour unless noted otherwise.
- The district does not issue refunds on unused rental hours or services.

	Location	Direct Fee	Fair Market
Classroom	All	\$12	\$46
Auditorium	Elementary	\$29 <i>For recreation league use, \$58 per team per season</i>	\$69
	La Colina/Goleta Valley	\$58	\$115
	La Cumbre	\$86	\$173
	High School	\$115	\$230
Cafeteria	Elementary	\$23	\$58
	Elementary w/kitchen	\$46	\$81
	Secondary	\$40	\$72
	Secondary w/kitchen	\$63	\$114
Athletic Field	Adult Use	\$23	\$46
	Elementary age	\$6 <i>For recreation league use, \$115 per team per season</i>	\$23
	Secondary age	\$12 <i>For recreation league use, \$230 per team per season</i>	\$46
Swimming Pool Lifeguard services are not provided but are required.	25 yd x 25 m	\$29	\$173
	25 yd x 38 m	\$44	\$259
	25 yd x 50 m	\$58	\$345
	Additional with lights	\$29	\$58
<i>Fee may be equally shared for use by two organizations (same time period).</i>			
Parking Lot		\$12 or \$69 per day	\$29 or \$173 per day
Outdoor Basketball Courts group of courts per site		\$6 or \$35 per day <i>For recreation league use, \$29 per team per season</i>	\$29 or \$173 per day
Outdoor Tennis Courts group of courts per site		\$12 or \$69 per day <i>For recreation league use, \$58 per team per season</i>	\$58 or \$345 per day
Baud or Specialty Room		\$29	\$58
High School Gymnasium		\$58	\$115
La Cumbre Track		\$12	\$46
High School Stadium		\$58	\$173
	Additional with lights	\$115	\$173
	Additional amount for DPHS and SMHS tracks	\$29 <i>Track can be rented w/o stadium for practice</i>	\$115

Regulation: **SANTA BARBARA SCHOOL DISTRICTS**
Adopted: June 24, 2008 Santa Barbara, California
Revised: January 13, 2009; April 28, 2009

Today's Date _____

Santa Barbara School Districts
Business Office
720 Santa Barbara Street
Santa Barbara, CA 93101

Distribution: Business Office
Applicant
School
Accounting

APPLICATION AND PERMIT FOR CIVIC CENTER USE OF DISTRICT PROPERTY

Organization _____ Permit Application # _____
(Number issued by District)

Represented officially by _____
(Name and Title)

Type of Organization _____
(Civic, Social, Recreational, Governmental, Commercial, etc.)

Hereby applies for permission to use facilities at _____
(Site Name)

If you are a Non-Profit, provide # _____ If requesting a stadium, field or pool, is this a night event requiring lights? Yes ___ No ___

Facilities Requested:

- Cafeteria Parking Lot Swimming Pool Athletic Field (please describe)
- w/kitchen Band or Specialty Room Gymnasium Stadium
- Auditorium Classroom Track Outdoor Courts (please describe)

Other Facility _____

Dates: From _____ To _____ Days of Week _____ Hours: From _____ To _____

Is this a youth activity? Yes ___; No ___; If yes, provide ages of children: _____

If recreation league, are you requesting the per team per season rate? Yes ___; No ___; Number of teams: Elementary ___; Secondary ___

No. of Attendees _____ Rehearsal Dates: From _____ To _____ Days of Week _____ Hours _____
(If applicable)

Nature or type of use _____

Name of Speaker _____ Topic _____

An admission charge or collection

will be made will not be made Amount \$ _____

If admission fee is to be charged, state specifically what proceeds are to be expended for: _____

Except as otherwise provided by Education Code § 38134(a), applicant hereby agrees to hold the Santa Barbara School Districts, the Board of Education and individual members thereof, and all district officers, agents, and employees free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use or occupancy of the site facilities. The permittee hereby agrees to abide by the laws, and with the rules and regulations covering use of site property.

BOARD OF EDUCATION RULES AND REGULATIONS

In conformance with sections 38130 to 38139 of the Education Code, the Board of Education of the Santa Barbara Elementary School District and the Santa Barbara High School District has adopted the following rules and regulations covering the use of school facilities for other than school purposes:

RULES AND REGULATIONS FOR USE OF SITE PROPERTY FOR PUBLIC PURPOSES AND AS A CIVIC CENTER

1. Use and occupancy of school property shall be primarily for public school purposes. Any authorized use or occupancy of the property for other than public school purposes shall be secondary and subordinate to this primary purpose.
2. Pursuant to Article IX, Section 87, of the California Constitution, no use or occupancy of site property shall be permitted for or in aid of any religious purpose, nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, at any meeting on site property, except as otherwise provided for by Education Code section 38131(a)(3).
3. No use or occupancy of any site property shall be permitted if the Board of Education in the exercise of its discretion determines that such use or occupancy is prohibited by law, or that such use or occupancy will interfere with the use of the property for school purposes, or that it will result in picketing, rioting, or other disturbance of the peace, or in damage to the property which will render it unfit for or will interfere with its proper use for school purposes.
4. The Board of Education may require that it be furnished reasonably in advance with a complete program, with copies of all speeches and addresses and script of any entertainment proposed to be given on site property. If such copy reasonably demonstrates that the program would be in violation of law or of these rules, the proposed use shall not be permitted.

5. All individuals, groups or organizations in their use or occupancy of school property shall comply with all applicable laws, rules and regulations. Any use contrary to or in violation of any law, rule or regulation shall be grounds for cancellation of the permit and removing the users from the property, and shall bar such individual, group or organization from further use thereof.
6. The Business Office of the Santa Barbara School Districts is authorized to issue all permits for the use and occupancy of school property by all individuals, groups or organizations. Such permits will be issued only at the Business Office. If the authorized agent of the Board has any question as to the propriety of the request or proposed use, he/she shall not issue a permit but shall refer the application to the Board of Education for its consideration and action. The applicant in its application shall state the date of use requested; the hour of opening and closing; the title and nature of the entertainment, if an entertainment; the name of the organization for which the applications made; and the name of the owner, producer, or controlling agency if other than the applicant.
7. Permission to use site facilities shall be granted in accordance with a schedule of charges authorized by the Board of Education. Copies of the schedule are available in the Business Office.
8. Requests for the use of cafeteria facilities shall be considered only when authorized cafeteria personnel in the Santa Barbara School Districts can be present to supervise the activity.
9. Vending any articles shall not be permitted at any use or occupancy of the site property for civic center purposes without permission having been previously granted.
10. Except as otherwise provided by Education Code § 38134(a), any individual, group or organization using school property for civic center or other purposes shall hold the Santa Barbara School Districts, the Board of Education and individual members thereof, and all District officers, agents and employees free and harmless from any loss, damage, liability, cost or expense that may arise during or be caused in any way by such use of occupancy of school property.
11. Site furniture or apparatus shall not be removed or displaced by any permittee without permission and without supervision of the District employee in charge.
12. Site property shall be protected from any damage or mistreatment and permittees shall be responsible for the condition in which they leave site premises. In case school property is damaged, the cost thereof shall be paid by the permittee.
13. Permits shall not be granted for personal or individual use of site property or equipment.
14. Upon receipt of notice that a permit has been issued to a non-school agency for use, the principal in charge of the site shall designate a regular employee to open the building, to be in charge during the use, and to close the building after the use, such costs to be borne by the user. The District employee in charge of the building or grounds within or upon which any meeting is held is empowered to take all necessary means to enforce these rules. However, it shall be the responsibility of the permittee to see that there is such special police protection as may be necessary for adequate control.
15. Any permit may be revoked where conflicting dates have resulted or where need of the property for public school purposes has subsequently developed.
16. For the required review of qualifications under the law, applicable charges, and dates and locations requested, applications should be submitted at least two weeks in advance.
17. Admission to all meetings held in site buildings shall be limited to the seating capacity of the room, auditorium or cafeteria authorized for such use. Tickets may be sold and/or issued for authorized seating capacity only.
18. No permit for the use of site property shall be granted to any individuals for any purpose which would discriminate against persons because of their race, color or creed.
19. Site premises shall not be used by groups later than 12 o'clock midnight.
20. Only the authorized holder of the permit shall distribute any literature or other material at a civic center meeting.
21. Whenever the use of site premises without a rental fee is permitted, it is understood that there shall be no admission charge made, no solicitation of funds, no free will offering, and no sale of literature or other articles by the organization using the school facilities.
22. If free use is granted, as provided in the Civic Center Act, the meeting shall be non-exclusive and shall be open to the general public.
23. Juvenile organizations must have adequate adult sponsorship.
24. A permit for use of any site facilities is non-transferable.
25. Site premises shall not be used by any person, group or organization as political campaign headquarters for any purpose.
26. No gratuities shall be given to or accepted by custodians, administrators, or other site personnel. All cost for services of custodians, cafeteria help, stage crews, etc., shall be billed to user by the Business Office.
27. The use of profane language, possession of or use of intoxicating liquors, fighting, betting or any form of gambling, conducting a raffle or lottery, all are expressly prohibited. The use of tobacco in any form is prohibited inside site building.

STATEMENT OF INFORMATION

"The undersigned states that the organization applying for use of the property upholds the United States and California Constitutions, and that the site property for the use of which application is hereby made will not be used for the commission of any act which is prohibited by law, or for the commission of any crime. I certify (or declare) under penalty of perjury that the foregoing is true and correct."

I have read the rules and regulations relating to use of site buildings and accept responsibility for meeting the requirements stated therein.

Applicant's signature _____
Authorized Signature

Print Name _____

Business Phone _____ Home Phone _____ Cell Phone _____

Address _____

City _____ State _____ Zip Code _____

Billing Address if Different _____

THIS APPLICATION IS NOT APPROVED UNTIL SIGNED BY THE DEPUTY SUPERINTENDENT, BUSINESS SERVICES, OR DESIGNEE AND PAYMENT OF ALL FEES LISTED BELOW UNDER TOTAL CHARGES

THE DISTRICT DOES NOT ISSUE REFUNDS ON UNUSED RENTAL HOURS OR SERVICES

See Administrative Regulation 1330 for Schedule of Fees for Use of School District Property
<http://www.sbsd.k12.org/board/policies/1000/AR1330.pdf>

Applicant, do not write below this Line.

SCHOOL SITE CONFIRMATION OF SPACE AVAILABILITY

By _____ Title: _____ Site Comments/Restrictions: _____

Date _____ 20____ Custodial Hours _____ Theater Manager Hours - Certificated _____ Classified _____

DISTRICT OFFICE USE ONLY

pproved Date _____ 20____ (upon payment of all fees)

Disapproved Reason: _____ Date _____ 20____

By _____
 Deputy Superintendent, Business Services or designee

Application Fee Received - Date _____ 20____ Date Sent to Site _____ 20____

Certification of Insurance received - Expiration Date _____ 20____ Permit Application # _____

Application Fee: _____ Custodial Fee _____ Theater Manager Fee _____ Speciality Services Fee _____

Event Lighting Fee _____ Rental Fee: _____

Total Charges _____ Date Total Charges Received _____ 20____

Notes: _____